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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,370	01/23/2004	Martin Faucher	06267-005-US-01	4468

7590

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,370

Applicant(s)

FAUCHER ET AL.

Examiner

Robert J. McCarry, Jr.

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3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/23/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

The Information Disclosure Statement file on January 23, 2004 has been reviewed and accepted. It is noted that this Information Disclosure Statement was originally filed in application 09/985282, of which the present application is a continuation of, and has been carried over to the present application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Robert et al (US 6,085,368).

Robert et al discloses a person handling system comprised of an overhead support track 90 and a carriage 94, with wheels 100, which moves along the track 90. Attached to the carriage 94 is a winch assembly 1 for raising and lowering the person. Also attached to the carriage 94 is an electric motor 33 for powering the carriage 94, and a clutch assembly. The clutch assembly, which is not numbered but described in column 2 lines 4-11, allows the carriage 94 to engage or dis-engage the electric motor 33. This allows the carriage 94 to be moved by the motor 33 or manually. The electric motor 33 can be drive by standard electrical wiring or by rechargeable batteries as described in column 10 lines 29-47. The battery box 175 is shown in figure 19. The electric motor 33 drives a worm drive shaft 44 for moving the carriage 94, the drive shaft

44 is reversible, allowing the motor 33 to turn the shaft 44 in opposite directions allowing the carriage 94 to move forward or backward along the track 90.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert et al in view of Capaldi et al (US 5,809,591).

Robert et al discloses the person handling system as disclosed above and comprised of a track, carriage and motor and other components. However, Robert et al does not disclose the use of multiple tracks or multiple carriages. Capaldi et al discloses a person handling system comprised of a transverse rail 28 as well as laterally extending tracks 30. The device is further comprised of additional carriages 56 displaced by wheels 58 along the tracks 30. It would have been obvious to one of ordinary skill in the art to have added additional tracks and carriages, like that of Capaldi et al, to a system like that of Robert et al to allow for a person to be moved to all points of a room for full access to the room.

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**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Twitchell et al (US 4,243,147), McCord (US 4,372,452) and Guldman (W) 88/09159) all disclose types of overhead person handling systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM  
July 19, 2004

  
ROBERT J. MCCARRY, JR.  
PATENT EXAMINER  
3617  
7/19/04